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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 2nd September 2005

No. 7464-Ii/1 (J)-17/02/LE.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award dated the 2nd December 2004 in I.D. Case No. 15/02 of the Presiding Officer, Labour Court, Jeypore to whom the industrial dispute between the Management of M/s. Western Orissa Sugar Ltd., Nandanvan, Kalahandi, P.O. Mathura, District. Kalahandi and its workman Shri Ram Sankar Nayak, Gadia Street was referred for adjudication is hereby published as in the schedule below:—

SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, JEYPORE, KORAPUT

INDUSTRIAL DISPUTE CASE No. 15 OF 2002

Dated the 2nd December 2004

Present:

Shri R.K. Saran,
Presiding Officer,
Labour Court, Jeypore,
Dist. Koraput.

Between:

The management of
Western Orissa Sugar Ltd., Nandanvan,
Kalahandi, P.O/ Mathura,
Dist. Kalahandi.

.. First party—Management

Versus

Its workman,
Shri Ram Sankar Nayak,
Gadia Street,
P.O. /Dist. Nabarangapur.

.. Second party—Workman

Under Sections: 10 & 12 of the Industrial Disputes Act, 1947.

Appearances:

For the First party	.. None
For the second party	.. Self
Date of Argument	.. 23-11-2004
Date of Award	.. 02-12-2004

AWARD

This is a reference U/s. 10 (1) read with section 12 (5) of the Industrial Disputes Act, 1947 made by the State Government of Orissa in their Labour & Employment Department Memo. No. 6507 (5), dated the 22nd May 2002 for adjudication of the dispute mentioned below :

“ Whether the termination of services of Shri Ram Sankar Nayak of Papadahandi Cane Division by the Management of M/s. Western Orissa Sugar Ltd., Kalahandi with effect from 18-08-1998 is legal and/or justified ? If not, what relief he is entitled to ?”

2. The workman in order to prove his case, has filed an affidavit stating that he has been engaged as a Ex-Divisional-in-charge in Papadahandi Cane Division under the first party Management from 01-02-1995 and worked continuously upto 17-08-1998 without any break or interruption. But the Management illegally terminated his service on 18-08-1998 without any reason and without giving him any benefits. The workman raised the dispute which has been subsequently referred to this Court for adjudication.

3. In spite of valid notices the Management did not appear nor contest the case and as such he is set *ex parte*. The second party workman as already stated above supports his case by filing an affidavit and there is no reason to disbelieve it. Therefore, the only conclusion is the second party workman has been illegally terminated by the first party Management and he is entitled to the reliefs claimed.

ORDER

4. The action of the first party Management of the Western Orissa Sugar Ltd., Nandanvan, Dist. Kalahandi in terminating the services of Shri Ram Sankar Nayak, Ex-Devisional-in-charge in Papadahandi Cane Division with effect from 18-08-1998 is illegal and unjustified and he is entitled to full back wages and reinstatement immediately.

Dictated and Corrected by me.

R.K.SARAN,
02-12-2004
Presiding Officer,
Labour Court, Jeypore
Dist. Koraput.

R.K.SARAN,
02-12-2004
Presiding Officer,
Labour Court, Jeypore
Dist. Koraput.

By order of the Governor

D.MISHRA
Under-Secretary to Government